

Docket No.: 22148-00004-US2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Adrian F. Ionescu

Confirmation No.: 8973

Application No.: 10/595,415

Art Unit: 2821

Filed: April 17, 2006

Examiner: D. K. Wong

For: BALLAST PROTECTING DEVICE

PETITION PURSUANT TO 37 C.F.R. § 1.47(b) AND/OR 37 C.F.R. § 1.42

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This petition is pursuant to 37 C.F.R. § 1.47(b) and/or 37 C.F.R. § 1.42 for an assignee to make an application for patent on behalf of and as an agent for an inventor who has assigned or agreed in writing to assign the invention to an assignee and subsequently died. Filing under 37 C.F.R. § 1.47(b) and 35 U.S.C. § 118 is permitted when no inventor is available to make an application and 37 C.F.R. § 1.42 is available in case of death of the inventor. Prior to the inventor's death, he assigned his interest in the invention to Power Control Technologies, Inc. and also executed a power of attorney for his invention to Louis F. Lindauer, president of Power Control Technologies, Inc.

Pertinent Facts

Adrian F. Ionescu is the sole inventor of Application Serial No. 10/595,415, entitled, "Ballast Protecting Device." He executed a Power of Attorney on June 1, 2002 appointing Louis F. Lindauer, president of Power Control Technologies, Inc., as his representative in any and all patenting procedures. A copy of the Power of Attorney is enclosed. Application Serial No. 10/595,415 claims priority from Provisional Application No. 60/481,520 ("the Provisional Application"). The Provisional Application was filed in the United States Patent and Trademark Office ("USPTO") on October 17, 2003. Shortly after filing the Provisional Application, on November 28, 2003, the sole inventor, Adrian F. Ionescu, assigned his entire right, title, and interest in the Provisional Application and to any and all direct and indirect divisions, continuations and continuations-in-part of the application, and any and all Letters Patents in the United States and all foreign countries which may be granted therefore and thereon to Power Control Technologies, Inc. A copy of the executed assignment is enclosed. The Assignment was recorded with the USPTO on December 9, 2003 on Reel 014184, Frame 0399. A copy of the USPTO Notice of Recordation of Assignment is enclosed as well as a Statement Under 37 C.F.R. §1.3.73(b).

International Application No. PCT/US2004/039239 ("the International Application") was filed on October 18, 2004 and claims priority from the Provisional Application. The International Application entered the United States under 35 U.S.C. § 371 on October 17, 2006, and was assigned Application Serial No. 10/595,415.

The sole inventor, Adrian F. Ionescu, died on March 22, 2007. A copy of the death certificate is enclosed.

The USPTO mailed a Notification of Missing Requirements Under 35 U.S.C. § 371 on February 1, 2008, requiring an oath or declaration of the inventor in Application Serial No. 10/595,415.

Application Serial No. 10/595,415 went abandoned on September 1, 2008.

A Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) is being filed concurrently with this Petition Pursuant to 37 C.F.R. § 1.47(b).

Oath or Declaration Required by 37 C.F.R. §§ 1.63 and 1.64 or 1.175

A declaration signed by Louis F. Lindauer, president of Power Control Technologies, Inc., is enclosed with this petition.

37 C.F.R. § 1.47(b) Applicant's Relationship to the Inventor

Adrian F. Ionescu assigned his entire right, title, and interest in his invention to Power Control Technologies, Inc. Louis F. Lindauer is president of Power Control Technologies, Inc. Also, before his death, Adrian F. Ionescu executed a power of Attorney on June 1, 2002, appointing Louis F. Lindauer as his representative in any and all patenting procedures.

Action is Necessary to Preserve Rights

A Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) requires a proper reply to the Notification of Missing Requirements Under 35 U.S.C. § 371, *i.e.*, requires that an oath or declaration be provided in Application Serial No. 10/595,415 . Grating of this Petition Pursuant to 37 C.F.R. § 1.47(b) is necessary for applicant, Power Control Technolgies, Inc., to preserve its rights and prevent irreparable damage to the applicant.

Last Address of the Inventor

Adrian F. Ionescu
60 Alexandru Vaida Voevod Street
Apt. 19
Cluj-Napoca 3400
ROMANIA

Fee set forth in 37 C.F.R. § 1.17(g)

A \$200.00 fee is being submitted with this petition in accordance with 37 C.F.R. § 1.17(g). Applicants believe no additional fees are due at this time. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22148-00004-US2 from which the undersigned is authorized to draw.

Dated: *11-21-2008*

Respectfully submitted,

By 
Burton A. Americk

Registration No.: 24,852
R. James Balls
Registration No.: 57,703
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, NW
Suite 1100
Washington, DC 20006
(202) 331-7111
(202) 293-6229 (Fax)
Attorneys for Applicant

POWER OF ATTORNEY

I, Adrian Florentin Ionescu, of 60 Alexandru Voevod (Apartment 19), 3400 city of Cluj-Napoca, Romania, an Officer, Director and Stockholder of Power Control Technologies, Inc. a State of Delaware USA Corporation, herewith appoint Louis Frederick Lindauer of 42 Butternut Court Wilmington, Delaware 19810 USA, as my attorney in fact, to act in my place and stead and with the same authority as I would have, to do the following acts:

1. To represent the undersigned in any and all business decisions and acts of the above mentioned Corporation, or any succeeding corporation if such there will be.
2. To represent the undersigned in any and all patenting procedures on the behalf of the undersigned and to the benefit of the above mentioned Corporation, or any succeeding corporation if such there will be.

This power of attorney shall be in effect from June 1, 2002 to June 30, 2006 and shall not be revoked due to my incapacity, and will continue in effect should I ever become incapacitated.

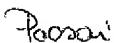
Signature



Adrian Florentin Ionescu, known to me personally, appeared before me and acknowledged the execution of this Power of Attorney for the purposes set forth therein.

Emoke Blanka Pocasi of Romania, city of Cluj-Napoca, 3 Gheorghe Dima St.

Signature:



Dated: June 1, 2002.

ROUMANIE ROMÂNIA ROMANIA
CERTIFICAT DE DECES
 CERTIFICAT DE DÉCÈS / DEATH CERTIFICATE

Seria DP Nr. 772924
 Série/Series N°/Nmb.

DATE PRIVIND DECEDATUL

Dates concernant le décédé/
 Data concerning the deceased

Cod Numeric Personal 1 5 5 0 8 0 5 1 2 0 7 4 4
 Code personnel/Personal number .S A A L L Z Z N N N N C

Numele de familie Nom/Surname		IONESCU			
Prenumele Prénom/First name		ADRIAN-FLORENTIN			
Sexul Sexe/Sex	barbatesc	Data nașterii Date de naissance/Date of birth	Anul/ Année/Year	Lunar/Mois/Month	Ziua/Jour/Day
		Locul nașterii Lieu de naissance/ Place of birth	Localitatea /Localité/Place	Județul /Département/County	
		CLUJ		CLUJ	
Domiciliul Adresse/Address		Localitatea /Localité/Place	Județul /Département/County		
		CLUJ-NAPOCA, StrAI V. Voievod, nr. 60/19	CLUJ		
Data decesului Date du décès/Date of decease		Locul decesului Lieu du décès/Place of death			
A / AJY	L /MM	Z /JD	Localitatea /Localité/Place	Județul /Département/County	
2007	03	22	CLUJ-NAPOCA	CLUJ	

DATE PRIVIND PĂRINTII / Dates concernant les parents /Data concerning the parents

TATĂL Père/Father	Numele de familie Nom/Surname	IONESCU			
	Prenumele Prénom/First name	MIRCEA			
MAMA Mère/Mother	Numele de familie Nom/Surname	IONESCU			
	Prenumele Prénom/First name	EMILIA			

Act de deces nr. -----

910

din -----

22.03.2007

(ziua, luna, anul / jour, mois, année / day, month, year)

Acte de décès n°/.

Demise document nmb.

Înregistrat la -----

CLUJ-NAPOCA

CLUJ

(Județul /Département/County)

enregistré à/

registered at

Mențiuni

Mentions/Mentionis

Semnătura

Signature/Signature

ROMÂNIA

BIROU NOTARULUI PUBLIC Feurdean Cristian Octavian
Cluj-Napoca, Str. Tipografilor nr. 13, ap. 5

ÎNCHIERE DE LEGALIZARE COPIE NR. 3810

Anul luna ziua 08 MAY 2007

Feurdean Cristian Octavian notar public, legalizează această copie conformă
cu înșcrisul prezentat nouă care are

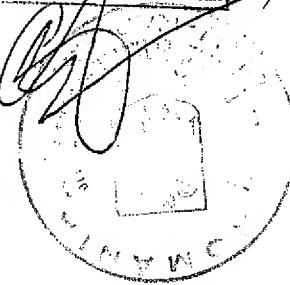
..... pagini, coloană de secretar 5/1913

S-a perceput onorariu de + TVA lei cu BF nr.

pentru exemplare

Coloană de secretar

Notar public
Feurdean Cristian Octavian



0004

ASSIGNMENT BY INVENTOR

THIS ASSIGNMENT, made this 28 day of November 2003 by
Adrian F. Ionescu (hereinafter referred to as Assignor), residing at 60 Alexandru Vaida Voevod
Street, Apt. 19, Cluj-Napoca 3400, ROMANIA;

WHEREAS, Assignor has invented certain new and useful improvements in
BALLAST PROTECTING DEVICE, set forth in a Provisional application for Letters Patent of
the United States, already filed on October 17, 2003 as U.S. Application No. 60/481,520; and

WHEREAS, POWER CONTROL TECHNOLOGIES, INC., a Corporation
organized under and pursuant to the laws of Delaware having its principal place of business at
42 Butternut Court, Wilmington, Delaware 19810 (hereinafter referred to as Assignee), is
desirous of acquiring the entire right, title and interest in and to said inventions and said
Application for Letters Patent of the United States, and in and to any Letters Patent of the
United States to be obtained therefore and thereon.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and
sufficient consideration, the receipt of which is hereby acknowledged, Assignor has sold,
assigned, transferred and set over, and by these presents does sell, assign, transfer and set over,
unto Assignee, its successors, legal representatives and assigns, the entire right, title and
interest in and to the above-mentioned inventions and application for Letters Patent, and in and
to any and all direct and indirect divisions, continuations and continuations-in-part of said
application, and any and all Letters Patent in the United States and all foreign countries which
may be granted therefore and thereon, and reissues, reexaminations and extensions of said
Letters Patent, and all rights under the International Convention for the Protection of Industrial
Property, the same to be held and enjoyed by Assignee, for its own use and benefit and the use
and benefit of its successors, legal representatives and assigns, to the full end of the term or
terms for which Letters Patent may be granted and/or extended, as fully and entirely as the
same would have been held and enjoyed by Assignor, had this sale and assignment not been
made.

AND for the same consideration, Assignor hereby represents and warrants to
Assignee, its successors, legal representatives and assigns, that, at the time of execution and

delivery of these presents, except for any rights, titles and/or interests that have arisen to Assignee under law or that have already been transferred to Assignee, Assignor is the sole and lawful owners of the entire right, title and interest in and to the said inventions and application for Letters Patent above-mentioned, and that the same are unencumbered and that Assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, Assignor hereby covenants and agrees to and with Assignee, its successors, legal representatives and assigns, that Assignor will sign all papers and documents, take all lawful oaths and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of any Letters Patent and applications for Letters Patent for said inventions, without charge to Assignee, its successors, legal representatives and assigns, whenever counsel of Assignee, or counsel of its successors, legal representatives and assigns, shall advise: that any proceeding in connection with said inventions, or said Provisional application for Letters Patent, or any proceeding in connection with any Letters Patent or applications for Letters Patent for said inventions in any country, including but not limited to interference proceedings, is lawful and desirable; or, that any division, continuation or continuation-in-part of any application for Letters Patent, or any reissue, reexamination or extension of any Letters Patent, to be obtained thereon, is lawful and desirable.

AND Assignor hereby requests the Commissioner of Patent and Trademarks to issue said Letters Patent of the United States to Assignee, as Assignee of said inventions and the Letters Patent to be issued thereon, for the sole use and benefit of Assignee, its successors, legal representatives and assigns.

AND Assignor hereby grants the following individuals the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document:

CONNOLLY BOVE LODGE & HUTZ LLP

All practitioners at Customer Number 30678;

AND Assignor acknowledges an obligation of assignment of this invention to Assignee at the time the invention was made.

28-Nov-2003



Adrian F. Ionescu

Witness:

Nov. 28, 2003

Date

Pocsai
Pocsai EMOKE-BLANKA



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DECEMBER 10, 2003

PTAS

700055953A

CONNOLLY BOVE LODGE ET AL.
LARRY J. HUME
1990 M STREET, N.W., SUITE 800
WASHINGTON, DC 20036-3425



UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 12/09/2003

REEL/FRAME: 014184/0399

NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

IONESCU, ADRIAN F.

DOC DATE: 11/28/2003

ASSIGNEE:

POWER CONTROL TECHNOLOGIES, INC.
42 BUTTERMUT COURT
WILMINGTON, DELAWARE 19810

SERIAL NUMBER: 60481520

FILING DATE: 10/17/2003

PATENT NUMBER:

ISSUE DATE:

SHARON LATIMER, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

12/09/2003
700055953

Form PTO-1595
(Rev. 03/01)
OMB No. 0651-0027 (exp. 6/31/2002)

RECORDATION FORM COVER SHEET

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Adrian F. Ionescu

2. Name and address of receiving party(ies)

POWER CONTROL TECHNOLOGIES,

Name: INC.

Internal Address:

Street Address:

42 Butternut Court

Additional name(s) of conveying party(ies) attached?

 Yes No

3. Nature of Conveyance:

 Assignment Merger Security Agreement Change of Name Other

Execution Date: November 28, 2003

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the new application is:

A. Patent Application No.(s):

60/481,520

B. Patent No.(s):

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Larry J. Hume
CONNOLLY BOVE LODGE & HUTZ LLP
Internal Address: Atty. Dkt.: 22148-00004-US
Street Address:
1890 M Street, N.W., Suite 800

6. Total number of applications and patents involved:

7. Total fee (37 CFR 3.41) \$ 40.00

 Enclosed Authorized to be charged to deposit account Authorized to be charged to credit card
(Form 2038 enclosed)

8. Deposit account number:

22-0185

(Attach duplicate copy of this page if paying by deposit account)

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Larry J. Hume - 44,163
Name of Person Signing

December 9, 2003
Date

Total number of pages including cover sheet, attachments, and documents: 4

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 306-5995, on the date shown below.

Dated: 12-9-2003

Signature:

(Jay B. Pickett)